

MICHAEL J. MCCUE (SBN: 296425)  
Email: MMcCue@LRRLaw.com  
AARON D. JOHNSON (SBN: 261747)  
Email: ADJohnson@LRRLAW.com  
Lewis Roca Rothgerber LLP  
4300 Bohannon Drive  
Menlo Park, CA 94025  
(650) 391-1380 (Tel.)  
(702) 391-1395 (Fax)

Attorneys for Plaintiffs  
RESTORATION HARDWARE, INC.  
RH US, LLC

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RESTORATION HARDWARE, INC.,  
a Delaware corporation, and RH US,  
LLC, a Delaware limited liability  
company,

Plaintiffs,

vs.

CHICAGO WICKER & TRADING  
COMPANY, an Illinois corporation,

Defendant.

Civil Case No.: 3:15-cv-00894-EDL

**The Honorable Magistrate Judge  
Elizabeth D. Laporte**

**PLAINTIFFS RESTORATION  
HARDWARE, INC. AND RH US,  
LLC'S CASE MANAGEMENT  
STATEMENT AND [PROPOSED]  
ORDER**

Plaintiffs Restoration Hardware, Inc. and RH US, LLC (collectively, "RH") hereby submit this Case Management Statement and Proposed Order pursuant to the Court's Order Setting Initial Case Management Conference (Doc. No. 5) and Civil Local Rule 16-9.

**1. Jurisdiction and Service:**

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338 because this action involves claims for patent infringement in violation of 35 U.S.C. § 1, *et seq.* This Court additionally has subject matter

jurisdiction because this action involves claims for trademark infringement under the Lanham Act, 15 U.S.C. §§ 1114 and 1125.

After Defendant was notified of this matter, Defendant expressed an interest in settling this matter to amicably resolve this case early. Due to the travel schedules of counsel, the parties were unable to discuss the matter until recently. To facilitate settlement and conserve costs, Defendant has not been formally served.

## **2. Facts:**

RH is an innovative and popular luxury brand for home furnishings. RH holds design patents for its furniture designs and holds the trademark registration for “Provence,” which is a line of furniture embodying those designs. Defendant sells products that violate RH’s patents and trademark rights. RH brought this action for damages and other appropriate relief.

## **3. Legal Issues:**

- RH’s ownership of the patents-in-suit;
- RH’s ownership of its trademark;
- Whether Defendant has infringed RH’s patents;
- Whether Defendant has infringed RH’s trademark; and
- The amount of damages Defendant should pay RH.

## **4. Pending And Anticipated Motions:**

None.

## **5. Anticipated Pleading Amendments:**

None.

## **6. Evidence Preservation:**

RH’s counsel certifies that it has reviewed the Guidelines Relating to the Discovery of Electronically Stored Information. Because Defendant has not been served, there has not been a conference held regarding reasonable and proportionate steps taken to preserve electronic evidence. However, RH confirms that it has taken

steps to preserve evidence relevant to the issues reasonably evident in this action.

**7. Disclosures:**

Because Defendant has not been served, the parties have not conducted a Rule 26(f) conference and have not discussed a proposed discovery plan.

**8. Discovery:**

Because Defendant has not been served, the parties have not conducted a Rule 26(f) conference and have not discussed a proposed discovery plan.

**9. Class Actions:**

Not applicable.

**10. Related Cases:**

RH has filed several enforcement actions in this district against other infringers of RH's intellectual property:

- *Restoration Hardware, Inc., et al. v. South Sea Rattan Furniture, Inc.*, Case No. 3:15-cv-00891-EDL;
- *Restoration Hardware, Inc. et al. v. Stanislaus Funding, Inc. et al.*, Case No. 3:15-00892-EDL;
- *Restoration Hardware, Inc. et al. v. Chicago Wicker & Trading Co.*, Case No. 3:15-00894-EDL;
- *Restoration Hardware, Inc., et al. v. Heng Zhong*, Case No. 4:15-cv-00937-KAW;
- *Restoration Hardware, Inc., et al. v. HFONC, Inc., et al.*, Case No. 4:15-cv-00954-DMR;
- *Restoration Hardware, Inc., et al. v. Light in the Box Ltd.*, Case No. 4:15-cv-00924-KAW;
- *Restoration Hardware, Inc., et al. v. Patio Shoppers, Inc.*, Case No. 4:15-cv-00936-DMR;
- *Restoration Hardware, Inc., et al. v. PHX Lighting, LLC*,

Case No. 3:15-cv-00918-EDL;

- *Restoration Hardware, Inc. et al. v. Topson Lighting, Ltd.*,

Case No. 5:15-cv-00938-HRL; and

- *Restoration Hardware, Inc. et al. v. HomeLava Ltd.*,

Case No. 3:15-cv-00926-EDL.

In an order dated May 12, 2015, in *Restoration Hardware, Inc., et al. v. South Sea Rattan Furniture, Inc.*, Case No. 3:15-cv-00891-EDL, (Doc. 13) Magistrate Judge Elizabeth D. Laporte determined that the following cases are related under local Civil Rule 3-12:

- *Restoration Hardware, Inc., et al. v. South Sea Rattan Furniture, Inc.*, Case No. 3:15-cv-00891-EDL;
- *Restoration Hardware, Inc. et al. v. Stanislaus Funding, Inc. et al.*, Case No. 3:15-00892-EDL; and
- *Restoration Hardware, Inc. et al. v. Chicago Wicker & Trading Co.*, Case No. 3:15-00894-EDL.

Each of these cases have been assigned to Magistrate Judge Laporte. With respect to the other cases, while RH does not believe they are related cases under Civil Local Rule 3-12 because they involve different defendants selling different products, RH does not oppose assignment to a single judge. *See, e.g., EIT Holdings LLC v. Yelp!, Inc.*, No. C 10–05623 WHA, 2011 WL 2192820, 2 (N.D. Cal. May 12, 2011) (“Given the disparity in defendants, websites, and other disparate issues discussed herein like damages, willfulness, and discovery supervision, it is worth adding that the allegations against each defendant would *not* be related under our civil local rules even if brought here as separate actions. *See* Civil L.R. 3–12(a)(2)”).

#### **11. Relief:**

RH seeks both injunctive relief and damages under the Lanham Act and the Patent Act.

**12. Settlement and ADR:**

The parties are engaged in informal settlement discussions.

**13. Consent to Magistrate For All Purposes:**

RH has consented to the Magistrate Judge assigned to this case for all purposes.

**14. Other References:**

This case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

**15. Narrowing of Issues:**

Because Defendant has not been served, the parties have not discussed narrowing the issues.

**16. Expedited Trial Procedure:**

Because Defendant has not been served, the parties have not discussed whether this case can be handled under the Expedited Trial Procedures.

**17. Scheduling:**

Because Defendant has not been served, the parties have not discussed discovery scheduling.

**18. Trial:**

RH did not demand a jury trial. RH preliminarily estimates that a bench trial would require between 3 to 5 trial days.

**19. Disclosure of Non Party Interested Entities or Persons:**

RH has filed its certification of interested entities or persons. Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, Plaintiffs Restoration Hardware, Inc. and RH US, LLC are each direct or indirect wholly owned subsidiaries of Restoration Hardware Holdings, Inc., a publicly traded Delaware corporation.

Pursuant to Civil Local Rule 3-15, the undersigned certifies that, as of this date, other than the named parties, there are no entities or persons who have a

1 financial interest in the subject matter in controversy or in a party to the proceeding,  
2 or any other kind of interest that could be substantially affected by the outcome of  
3 the proceeding.

4 **20. Professional Conduct:**

5 RH's counsel of record has reviewed the Guidelines for Professional Conduct  
6 for the Northern District of California.

7 **21. Other Matters That Would Facilitate a Just, Speedy and**  
8 **Inexpensive Disposition of this Matter:**

9 Given ongoing settlement discussions, RH requests that the Case Management  
10 Conference be continued for sixty (60) days.

11 Respectfully submitted,

12  
13 Dated: May 19, 2015

By: /s/ Michael J. McCue

14 MICHAEL J. MCCUE  
15 AARON D. JOHNSON  
16 Lewis Roca Rothgerber LLP  
17 3993 Howard Hughes Parkway, Suite 600  
18 Las Vegas, Nevada 89169-5996  
19 (702) 949-8200 (Tel.)  
20 (702) 949-8398 (Fax)


21 Attorneys for Plaintiffs  
22 RESTORATION HARDWARE, INC.  
23 RH US, LLC.  
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**CASE MANAGEMENT ORDER**

Based on the **PLAINTIFFS RESTORATION HARDWARE, INC. AND RH US, LLC'S CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER** filed by Plaintiffs on May 19, 2015, the Court hereby continues the Case Management Conference for this case for 60 days until \_\_\_\_\_ July 21, 2015 at <sup>10:00 am</sup> ~~am/pm~~. All related deadlines under Federal Rules of Civil Procedure 16 and 25 and applicable case management and discovery local rules and standing orders shall be continued to accord with the new conference date.

IT IS SO ORDERED

Dated: May 20, 2015

By:   
The Honorable Magistrate Judge  
Elizabeth D. Laporte

3993 Howard Hughes Parkway  
Suite 600  
Las Vegas, NV 89169-5996  
**LEWIS ROCA**  
**ROTHGERBER**